

Serial No.: 10/040,575

**REMARKS**

Reconsideration of the present application, as amended herein, is respectfully requested.

**I. Status of the Claims**

Claims 1-5 and 7-11 are currently pending.

Claims 1-5 and 7-11 were rejected under 35 USC 103(a) as being unpatentable over Molas (US 2002/0077618 A1) in view of Sturino (US5713886).

**II. Claim Rejections Under 35 U.S.C. 103(a)**

Claims 1-5 and 7-11 were rejected under 35 USC 103(a) as being unpatentable over Molas (US 2002/0077618 A1) in view of Sturino (US5713886). The Examiner's rejections are respectfully traversed. It is respectfully submitted that a close review of the cited references reveal that they fail to disclose or suggest, either singularly or in combination, the invention as recited in claim 1.

The Examiner appears to essentially contend that Molas discloses all of the features of the claimed invention except for flaps extending outwardly from a longitudinal side edge as claimed. The Examiner's position is respectfully traversed.

The invention as set forth in claim 1 recites in part:

*"a central absorbent pad, the central absorbent pad having a liquid pervious cover layer, a liquid impervious barrier layer and an absorbent core between the cover layer and barrier layer ... said core being continuously tapered from the second end towards the first end, the barrier and the cover extending beyond the core ..."* (Emphasis Added)

Serial No.: 10/040,575

Molas purports to disclose a pantiliner including a line of embossing 2, a central area 3, and side areas 4, 5. (Paragraph [0033]). Accordingly, Molas merely describes a pantiliner having different areas separated by an embossing. However, there is no disclosure whatsoever describing the structural details of a cover, core and barrier. In addition, there is no disclosure whatsoever that a core is arranged *between* a cover and a barrier, and that the cover and barrier extend beyond the core in the manner claimed. In fact, there is no way to ascertain the structure of any cover, barrier or core whatsoever from the Molas reference. In this regard, it is noted that there are no Figures in Molas that disclose the internal structure of the article.

In the Office Action, at page 2, the Examiner states as follows:

“In response to applicant’s argument that Molas fails to disclose the absorbent core being continuously tapered from the second end towards the first end, it is noted that the absorbent core 3 of Molas is tapered, as shown in Figure 2. The absorbent core is separate from side areas 4, 5 (see paragraph [0033]) and therefore the absorbent core is continuously tapered while the overall shape of the article, including side areas 4, 5, is an hourglass.”

Based upon the above, it appears as if the Examiner is contending that the central area 3 of Molas corresponds to the core as recited in claim 1. It is respectfully submitted that this is improper. As noted above, claim 1 recites that the core is arranged *between the cover and the barrier*. Molas is silent as to a “core” or the relative position of such core to a cover and a barrier. Rather the “central area 3” of Molas is merely the area between embossings 2. Further, there is no disclosure whatsoever in Molas that any “core” is coterminous with the “central area”. For example, any alleged “core” in Molas may very well extend into side areas 4, 5. There is simply no disclosure in Molas whatsoever regarding the structural details of any alleged cover, barrier or core. The Examiner

Serial No.: 10/040,575

appears to contend that the central area 3 of Molas is tapered and therefore discloses a "core being continuously tapered from the second end towards the first end" as recited in claim 1. Again it is impossible to ascertain from Molas the structure of any "core" or if any such core is even present in the described embodiments. For example the embodiments shown in Figures 1 and 2 of Molas could contain only a cover and barrier or alternatively, if a core is present, the core could very well extend into side areas 4 and 5 since "side areas (4,5) ... are in absorbent service when the pantiliner is applied to a conventional, hourglass-shaped panty". (Molas, paragraph [0033]). It is simply impossible to ascertain, based upon the disclosure of Molas, the presence of a cover, barrier or core, or the structural details of such elements.

It is further submitted that the central area 3 of Molas is not "continuously tapered from the second end towards the first end" in the manner of the core of the present invention. The embossing lines 2 that define the central area 3 of Molas cease to taper at the lower end thereof but rather appear to be slightly diverging or at most parallel. Thus, it is submitted that central area 3 of Molas is not continuously tapered from the second end towards the first end.

In the Office Action, the Examiner further states as follows:

"In response to applicant's argument that Molas fails to disclose the barrier and cover extending beyond the absorbent core, it is noted that the barrier and cover extend beyond the absorbent core 3 to envelope the side areas 4, 5."

Again it appears as if the Examiner is contending that the central area 3 is a core arranged between a barrier and cover as claimed. However, as noted above, it is impossible to ascertain from Molas the presence or absence of a cover, barrier layer or core or the structural details of any such elements. Accordingly, it is respectfully

Serial No.: 10/040,575

requested that the Examiner identify the *specific* portion of Molas that shows a cover layer, barrier layer and core arranged between the cover layer and barrier, and wherein the cover layer and barrier layer extend beyond the core in the manner claimed.

The Examiner further contends that Molas discloses all aspects of the claimed invention with the exception of a flap extending outward from each side edge. The Examiner contends that Sturino discloses such a structure and thus concludes it would be obvious to modify the article disclosed in Molas to include flaps of the type disclosed in Sturino to thereby arrive at the claimed invention. It is respectfully submitted that even if such modification was made it would still fail to result in an article as claimed. As noted by the Examiner in the Office Action at page 3, "Sturino teaches the use of flaps placed *towards the front* ... of a sanitary napkin". (Emphasis Added) Conversely, the claimed invention, as set forth in claim 1, recites that each flap extends "substantially along the lateral centerline". Sturino fails to disclose any flaps that extend substantially along the lateral centerline as claimed.

In view of the above it is submitted that none of the cited references either singularly, or in combination, disclose or suggest the structure recited in claim 1. Claims 2-5 and 7-11 depend either directly or indirectly from claim 1 and thus it is submitted that these claims are also allowable. It is respectfully submitted that the application is now in condition for allowance.

A petition for a one-month extension of time extending the time for response from May 7, 2006 until June 7, 2006 is enclosed herewith. A Notice of Appeal is also enclosed herewith. The Commissioner is hereby authorized to charge any requisite fees to 10-0750/J&J-2045-USA/PJH.

Serial No.: 10/040,575

According to currently recommended Patent Office policy, the Examiner is authorized to contact the undersigned in the event that a telephonic interview would advance the prosecution of this application.

An early and favorable action on the merits is earnest solicited.

Respectfully submitted,

By:     /Paul J. Higgins/      
Paul J. Higgins  
Attorney for Applicant(s)  
Reg. No. 44,152

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
(732) 524-1728  
Date: May 24, 2006